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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/666,340      | 09/17/2003  | Hisashi Tsukamoto    | Q137-US4            | 8397             |

31815 7590 11/29/2006

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| EXAMINER |
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YUAN, DAH WEI D

|          |              |
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| ART UNIT | PAPER NUMBER |
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1745

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/666,340

Applicant(s)

TSUKAMOTO ET AL.

Examiner

Dah-Wei D. Yuan

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-65 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

**ELECTRIC STORAGE BATTERY CONSTRUCTION AND  
METHOD OF MANUFACTURE**

Examiner: Yuan

S.N. 10/666,340

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November 27, 2006

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-19,43-50,55-57,60-65, drawn to an electric storage battery, classified in class 429, subclass 94.
  - II. Claims 29-38, drawn to an electrode assembly, classified in class 429, subclass 122.
  - III. Claims 20-28,39-42,51-54,58,59, drawn to a method of making an electric storage battery, classified in class 29, subclass 623.1.

The inventions are distinct, each from the other because of the following reason:

2. Inventions III and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). The instant disclosure teaches the electric storage battery can be fabricated by various methods as stated in claims 20-28,39-42,51-54,58-59, respectively.

3. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require

the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the electric storage battery does not require the particulars of the electrode assembly as claimed to show novelty and unobviousness. The subcombination has separate utility and can be used as a capacitor.

4. If invention I is elected, an election of species is required. This application contains claims directed to the following patentably distinct species of the claimed invention.

I-1, Claims 1-9, drawn to an electric storage battery having a case and an electrode assembly, which includes a hollow elongate mandrel.

I-2, Claims 10-19, drawn to an electric storage battery having an electrically conductive elongate pin and a reinforcing mandrel on the pin.

I-3, Claims 43-46, drawn to an electric storage battery comprising a flexible conductive tab.

I-4, Claims 47-50, drawn to an electric storage battery comprising a flexible conductive tab and a fastening means which secures a second end cap to the tab.

I-5, Claim 55, drawn to an electric storage battery having an electrically conductive case hermetically sealed by first and second end caps and second end caps have no separate fill holes.

I-6, Claims 56-57, drawn to an electric storage battery having a case comprising a peripheral wall of electrically conductive material defining an interior volume.

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I-7, Claims 60-65, drawn to an electric storage battery having a case comprising a flexible conductive tab electrically connected to an end cap at a second location.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, none of the claims directed to invention I is generic.

5. If invention II is elected, an election of species is required. This application contains claims directed to the following patentably distinct species of the claimed invention.

II-1, Claims 29-33, drawn to an electrode assembly comprising at least one separator strip separating the electrode strips mounted on a pin.

II-2, Claims 34-38, are drawn to an electrode assembly does not require a separator strip.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, none of the claims directed to invention II are generic.

6. If invention III is elected, an election of species is required. This application contains claims directed to the following patentably distinct species of the claimed invention.

III-1, Claims 20-28, drawn to a method of making an electric storage battery comprising winding together first polarity electrode strip and second polarity electrode strip to form a spiral roll having at least a portion of the pin within the spiral roll.

III-2, Claims 39-42, drawn to a method of making an electric storage battery comprising winding together first polarity electrode strip and second polarity electrode strip to form a spiral roll.

III-3, Claims 51-54, drawn to a method of making an electric storage battery comprising fastening the second end cap to the flexible conductive tab.

III-4, Claims 58-59, drawn to a method of making an electric storage battery comprising depositing electrolyte into the case through the second wall opening.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, none of the claims directed to invention III are generic.

7. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

8. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

9. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dah-Wei D. Yuan whose telephone number is (571) 272-1295. The examiner can normally be reached on Monday-Friday (8:00-5:00).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan, can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dah-Wei D. Yuan  
November 27, 2006



DAH-WEI YUAN  
PRIMARY EXAMINER